

IN RE: PETITION FOR ZONING VARIANCE
N/S Seminary Avenue, 360' W
of Marblehead Road
(8508 Marblehead Road)
8th Election District
3rd Councilmanic District
M. Garfield Ford, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B01.2.C. 2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a tract boundary setback of 10 feet in lieu of the minimum required 35 feet and to amend the last approved final development plan of the Fields of Seminary II for Lot 31 for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by M. Garfield Ford, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8508 Marblehead Road, consists of 11,875 sq.ft. zoned D.R. 2 and is presently unimproved. Petitioners are desirous of constructing a single family dwelling on the property in accordance with that depicted on Petitioner's Exhibit 1. Due to the unique characteristics of the lot and the need to orient the front of the dwelling to face Seminary Avenue, the requested variances are necessary. Petitioner testified the proposed dwelling will be built in conformance with existing dwellings in the area and will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soler, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of December, 1991 that the Petition for Zoning Variance from Section 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and from Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a tract boundary setback of 10 feet in lieu of the minimum required 35 feet and to amend the last approved final development plan of the Fields of Seminary II for Lot 31

- 2 -

for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

111 West Chesapeake Avenue
Towson, MD 21204

92-214

December 20, 1991

Mr. & Mrs. M. Garfield Ford
11700 Rutledge Road
Baltimore, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
N/S Seminary Road, 360' W of Marblehead Road
(8508 Marblehead Road)
8th Election District - 3rd Councilmanic District
M. Garfield Ford, et ux - Petitioners
Case No. 92-214-A

Dear Mr. & Mrs. Ford:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for zoning variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Mr. Lawrence E. Schmidt at 367-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: November 23, 1991
Posted for: Variance
Petitioner: M. Garfield Ford, et ux
Location of property: N/S Seminary Road, 360' W of Marblehead Road
8508 Marblehead Road
Location of Sign: N/S of Seminary Avenue in front of subject property
Remarks: _____
Posted by: S. J. Arata Signature Date of return: December 2, 1991
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1991.

THE JEFFERSONIAN,

S. Zeke Orlin
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, the County Office Building, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-214-A
N/S Seminary Road, 360' W of Marblehead Road
8508 Marblehead Road
8th Election District
Petitioner(s):
M. Garfield Ford, et ux
Hearing Date: Tuesday, December 17, 1991 at 9:00 a.m.
Variances to permit a 10 ft. tract boundary for a proposed dwelling in lieu of the minimum required 35 ft., and to amend the last approved final development plan of the Fields of Seminary II for lot #31.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
TTUJ11293 November 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 29, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1991.

TOWSON TIMES,

S. Zeke Orlin
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, the County Office Building, 400 Washington Avenue, Towson, Maryland 21204 as follows:
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M. Garfield Ford, et ux
Hearing Date: Tuesday, December 17, 1991 at 9:00 a.m.
Variances to permit a 10 ft. tract boundary for a proposed dwelling in lieu of the minimum required 35 ft., and to amend the last approved final development plan of the Fields of Seminary II for lot #31.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
TTUJ11293 November 28.

Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B01.2.C.2.a (B.C.Z.R.) and V.B.5.a (C.M.D.P.) to PERMIT A 10 FT. TRACT BOUNDARY SETBACK (SEE ATTACHED DWELLING PLAN) IN LIEU OF THE MINIMUM REQUIRED 35 FT. AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN OF THE FIELDS OF SEMINARY II FOR LOT 31.
First development plan of the Fields of Seminary II for Lot 31, for the of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Due to the unique characteristics of the lot and the need to orient the front of the dwelling to face Seminary Avenue, the requested variances are necessary. Petitioner testified the proposed dwelling will be built in conformance with existing dwellings in the area and will not result in any detriment to the health, safety or general welfare of the surrounding community.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Signature

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Attorney's Telephone No.:

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Address

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 11/05/91

11/05/91

PUBLIC HEARING FEES

1 X \$35.00

TOTAL: \$35.00

DA04040044MICRDC \$35.00
BN CDD7-034411-05-91
Please Make Checks Payable To: Baltimore County

receipt

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 11-17-91

Account: R-001-6150
Number: 11-17-91

11-17-91

Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 12-5-91

M. Garfield and Virginia Ford
1700 Rutledge Road
Lutherville, Maryland 21093

RE:
CASE NUMBER: 92-214-A
W/S Seminary Road, 360' W of Marbelhead Road
8508 Marbelhead Road
8th Election District - 3rd Councilmanic
Petitioner(s): M. Garfield Ford, et ux

Dear Petitioner(s):

Please be advised that \$114.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE HEARING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 110, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Cal Johnson
ARNOOLD JARSON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 20, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 110, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-214-A
W/S Seminary Road, 360' W of Marbelhead Road
8508 Marbelhead Road
8th Election District - 3rd Councilmanic
Petitioner(s): M. Garfield Ford, et ux
HEARING: TUESDAY, DECEMBER 17, 1991 at 9:00 a.m.

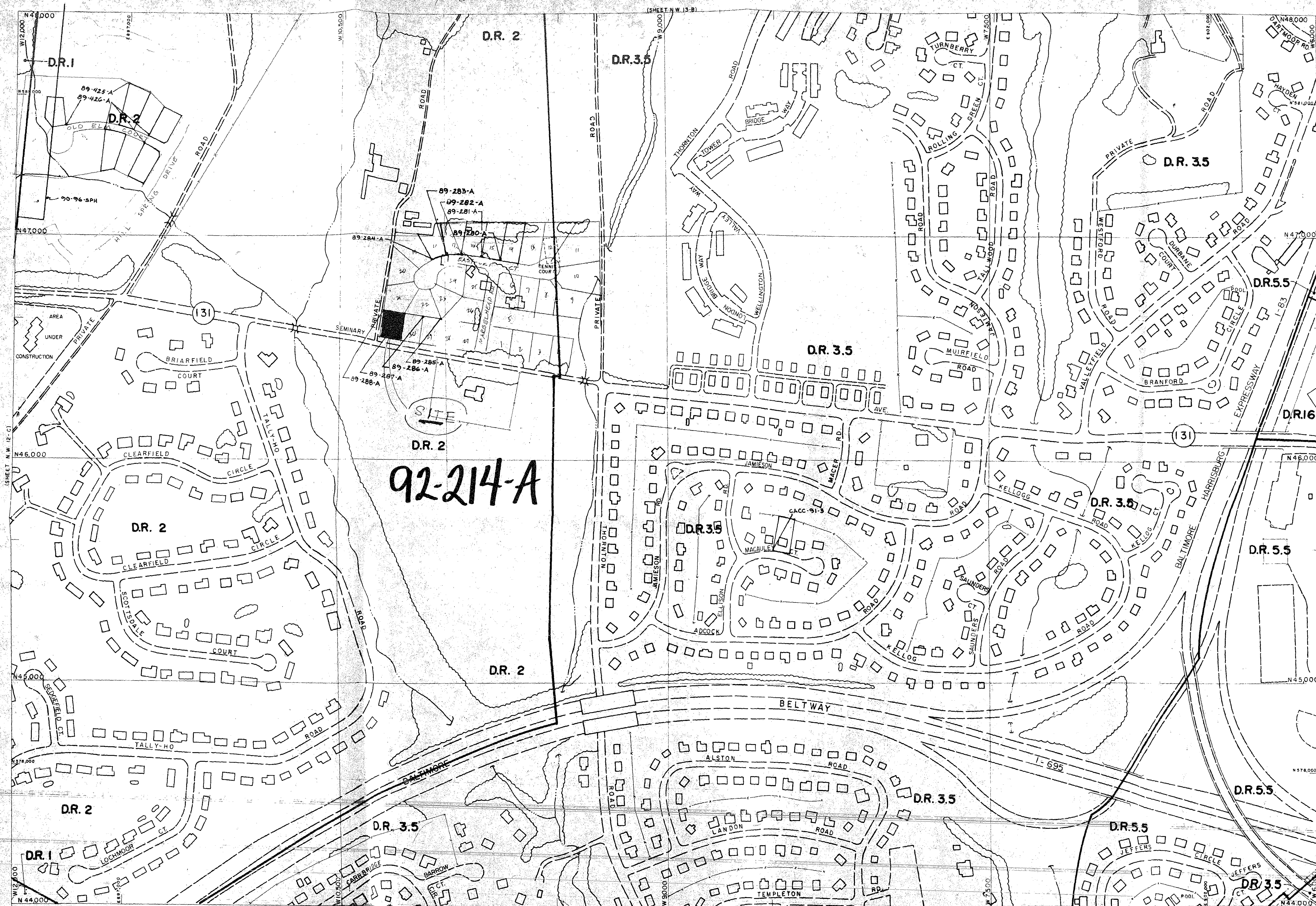
Variance to permit a 10 ft. tract boundary (for a proposed dwelling) in lieu of the minimum required 35 ft., and to amend the last approved final development plan of The Fields at Seminary II for Lot 831.

Laurence E. Schmidt
Laurence E. Schmidt
Zoning Commissioner of
Baltimore County
cc: M. Garfield Ford

Plat to accompany Petition for Zoning Variance ☒ **Special Hearing** ☐

PROPERTY ADDRESS: 8508 Marbelhead Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Fields at Seminary II
plat books: 52057, 52058, 52059, 52060, 52061, 52062, 52063, 52064, 52065, 52066, 52067, 52068, 52069, 52070, 52071, 52072, 52073, 52074, 52075, 52076, 52077, 52078, 52079, 52080, 52081, 52082, 52083, 52084, 52085, 52086, 52087, 52088, 52089, 52090, 52091, 52092, 52093, 52094, 52095, 52096, 52097, 52098, 52099, 52100, 52101, 52102, 52103, 52104, 52105, 52106, 52107, 52108, 52109, 52110, 52111, 52112, 52113, 52114, 52115, 52116, 52117, 52118, 52119, 52120, 52121, 52122, 52123, 52124, 52125, 52126, 52127, 52128, 52129, 52130, 52131, 52132, 52133, 52134, 52135, 52136, 52137, 52138, 52139, 52140, 52141, 52142, 52143, 52144, 52145, 52146, 52147, 52148, 52149, 52150, 52151, 52152, 52153, 52154, 52155, 52156, 52157, 52158, 52159, 52160, 52161, 52162, 52163, 52164, 52165, 52166, 52167, 52168, 52169, 52170, 52171, 52172, 52173, 52174, 52175, 52176, 52177, 52178, 52179, 52180, 52181, 52182, 52183, 52184, 52185, 52186, 52187, 52188, 52189, 52190, 52191, 52192, 52193, 52194, 52195, 52196, 52197, 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1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 1st, 1988

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	LUTHERVILLE	N. W. 12-B
DATE OF PHOTOGRAPHY		
JANUARY 1986		